UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.250
15 March 1994

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 250th MEETING

Held at Headquarters, New York,
on Monday, 31 January 1994, at 10 a.m.

Chairperson: Ms. CORTI

CONTENTS

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference Services, room DC2-794, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Revised combined second and third periodic reports of Colombia (CEDAW/C/COL/2-3, Rev.1)

1. At the invitation of the Chairperson, Ms. Arango, Ms. Prieto, Mr. de la Espriella and Ms. Marino de Nule (Colombia) took places at the Committee table.

2. Ms. MARINO de NULE (Colombia), after reading out a letter from the President of the Republic of Colombia, said that her introduction of the combined second and third periodic reports would focus on the progress achieved since the submission of the first report in 1987. In 1990, the CEDAW Coordination and Control Committee had been established to assist government agencies in combating discrimination, monitoring compliance with the law and coordinating activities to promote and guarantee the participation of women in all spheres of public life. Although its establishment showed the Government's intent to provide coordination for women's affairs, its effectiveness had been limited by its weak institutional structure. The current administration had established the Presidential Council for Youth, Women and the Family in order to promote a new model for social development focusing on gender and age. The Presidential Council was part of the State administrative structure and reported to the President of the Republic. Its four basic functions were to define policy, to set out technical guidelines for its implementation in State agencies, to promote social programmes on an equal basis with economic programmes and to coordinate the activities of ministries, institutes, regional and non-governmental organizations. Because it had been established by presidential decree, steps were being taken to ensure its continuation after the current administration had left office.

3. The members of the Presidential Council were appointed by the President of the Republic. Its staff included a national technical coordinator and a coordinator for each population group. It defined policies and programmes for women and coordinated activities with other government sectors so that all development programmes had a gender perspective. The Council had become a focal point for women's activities, and it seemed unlikely that the new administration to be elected during 1994 could reverse those circumstances. In fact, the main presidential candidates were considering various structures for a national office for women. The Council received financial support from the national budget and from international cooperation.

4. Where the questions asked regarding articles 1 to 4 were concerned, the new Constitution which had entered into force in 1991 contained articles implementing the general principles of the Convention by proclaiming the equality of men and women before the law and equality of opportunity. It also included equality of participation and the exercise and control of political power, and enshrined the State's obligation to protect and support pregnant women and female heads of households. A number of laws had been passed concerning women's citizenship, divorce and women heads of household. Bills currently before the Congress dealt with domestic violence, sexual assault and

(Ms. Marino de Nule, Colombia)

participation of women in public administration. There were several national institutions dealing with women's issues, and a national policy for the advancement of women and a policy for rural women had been adopted.

5. Regarding article 5, no specific legislation regulated the use of the images of women in the mass communications media. It must be acknowledged that both the media and the educational system tended to reinforce traditional gender concepts, and maternity and procreation-related activities were still regarded as a primary responsibility of women. The educational system, however, had taken steps to improve the quality of education for women and girls and to promote non-sexist textbooks.

6. A satisfactory solution to the problem of violence against women had not yet been found. Current criminal law did not include specific penalties for violence against women, although the Constitution of 1991 made a special reference to domestic violence that could serve as a basis for the development of specific legislation. A bill currently before Congress dealt with the matter, but in the view of the Presidential Council, was inadequate.

7. With regard to specialized agencies to prevent violence and assist women victims, some success had been achieved. Approximately 100 municipal family commissions had been established to investigate cases of domestic violence, mediate between the parties, take necessary emergency measures and refer matters to the competent judicial and administrative authorities. Previously, women had had no source of immediate attention and free legal assistance. Because of budgetary restrictions and the lack of awareness on the part of municipalities of the importance of such services, not all, particularly in rural areas, had established a family commission. The Presidential Council was making efforts to establish new commissions and provide specialized training for their members. Although no systematic and ongoing training programme for officials dealing with women who were victims of violence existed, some government bodies had held workshops and the Presidential Council was developing an ambitious training programme for members of family commissions. The few shelters for battered women were run by non-governmental organizations.

8. With respect to article 6, prostitution was not a punishable offence in Colombia, although procuring and traffic in women were penalized. Prostitution was a serious problem in terms of social invisibility and moral insensitivity. There were no figures or studies of prostitution at the national level. The stigmatization of women involved in such activities would be difficult to overcome, as it was viewed as a matter of private morality rather than a problem of social ethics in a society attempting to build a democracy. With regard to programmes for the prevention and treatment of AIDS among prostitutes, the Ministry of Health had offered an information programme for prostitutes on the prevention of sexually transmitted diseases and AIDS and the use of condoms. In 1994, information days would be held in the capital and several other cities. The State offered medical services to prostitutes through the public hospitals and non-governmental organizations. The Colombian Family Welfare Institute had begun a programme for girls at risk of becoming prostitutes and had expanded the "community mothers" programme to offer services to prostitutes' children under 6 years of age.

(Ms. Marino de Nule, Colombia)

9. Where article 7 was concerned, legally, there was nothing to stop women voting in popular elections or running for public office. However, the participation of women as elected officials was much lower than their participation as electors, where they made up more than 50 per cent of active voters. Since 1988, women had occupied an average of only 17.2 per cent of all elected offices. Although the current Government included two women ministers, for education and foreign affairs, and women occupied 4.6 per cent of posts in the judicial branch, they had not reached the highest levels equitably and continuously. Concerning trade union organizations, while women represented some one third of all unionized workers and exercised leadership at the grass-roots and intermediate levels, they did not occupy managerial posts in the labour movement. Likewise, although women were very active in political parties and community organizations, only a very small percentage of them managed to secure top-level posts.

10. With respect to article 8, there were no legal restrictions on Colombian women representing the Government at the international level and participating in the work of international organizations on an equal footing with men. For the first time, the Foreign Ministry was headed by a woman and 10 per cent of the country's ambassadors were women. At the Ministry of Foreign Affairs, there was a balance in the participation of women and men.

11. Regarding article 9, under Colombian legislation, women had the same rights as men in acquiring or losing nationality; such rights were not affected by marriage nor did they affect children.

12. Where article 10 was concerned, although Colombian women had made significant strides in education and could be said to have reached the same educational level as men, they were still concentrated in those subject areas associated with their traditional roles. However, there had been a notable increase in their participation between 1974 and 1986 in areas such as engineering and related fields and agronomy and related fields.

13. Many educational programmes geared towards promoting comprehensive training and improving the quality of education were being implemented. In 1992, the Constitutional Court had handed down two landmark decisions in the struggle for women's rights. In the first, a school which had expelled a pregnant young woman had been obliged to take her back and to offer facilities permitting her to catch up in her studies. The second case had made it compulsory to include sex education in the curricula of primary education.

14. In response to another question on the subject of education, she noted that there were measures for affirmative action to counteract the persistence in the education system of traditional stereotypes regarding social functions. The General Educational Law adopted in December 1993 did not contain specific provisions or affirmative action programmes for women.

15. In connection with article 11, a number of measures under the 1991 Constitution guaranteed equality of opportunities to working women. As the current report (CEDAW/C/COL/2-3/Rev.1) indicated, a number of legislative measures for domestic workers, women heads of households and maternity leave had also been adopted. Concerning the question of social security and labour entitlements of women in the informal sector and the draft social security bill,

(Ms. Marino de Nule, Colombia)

on 23 December 1993, Law 100 had been adopted, establishing a comprehensive social security scheme composed of two different regimes, one which was the responsibility of the State and the other which was composed of pension funds in the private sector. Individuals could choose between the two regimes. In health care, the most significant innovation was the establishment of mechanisms by means of which, within a seven-year period, coverage of services would be expanded to reach the entire Colombian population, including those persons not able to pay the premiums. Two systems of financing and affiliation had been established: a contributory system which worked through people's employment in the public and private sectors and a subsidized regime which would be for the benefit of the poorest and most vulnerable sectors of the population such as pregnant women, women heads of households and workers in the informal sector.

16. Concerning the application of labour legislation for the protection of the rights of women, the organization responsible for monitoring the implementation of legislation was the Ministry of Labour and Social Security, through the Division of Special Relations. Currently, that Division was carrying out research on discrimination against women in the labour field, and the findings of that study would be used to launch a process of training to sensitize labour inspectors to that problem. The Legal Defence Service provided free assistance to the most vulnerable sectors of the population, such as child workers, women, indigenous people and the disabled. The Ministry had signed agreements with the faculties of law of a number of Colombian universities to provide a wide range of services throughout the legal process. It was clear, however, that the Ministry had difficulties following up those services and preventing breaches of labour law. Women at all levels were inadequately informed of their rights. The Ministry also recognized that in certain production sectors discriminatory practices against women were much more frequent. The combined second and third reports also provided detailed information on aspects such as the participation of Colombian women in the labour market, the differences in salaries between women and men and the increase in the number of women heads of households.

17. With respect to article 12, while Colombia had experienced considerable improvement in its overall fertility rates, there were sharp differences according to educational level and geographical region. Historically, women had had lower rates of general mortality but higher rates of morbidity. In the general structure of mortality, the highest percentage for women was from non-infectious chronic diseases, such as heart and cerebro-vascular ailments. Cancer was an increasing cause of death. Mortality was the health indicator that had changed the least in the past 15 years, and the situation was even more disquieting when the high rate of under-recording was taken into account. Women, who had the highest rates of sickness from all causes, were the population group which needed the most health care.

18. Despite the under-recording of abortion, available data showed that it was very high among the causes of maternal mortality, and no significant differences had been found across social strata or as a function of educational level. Despite that tragic situation, abortion remained illegal and a recently drafted law to legalize it had encountered so much resistance among congressmen that it had been set aside.

(Ms. Marino de Nule, Colombia)

19. Early pregnancy was an increasing problem. The 1990 figures showed that 10 per cent of women in the 15 to 19 years age group were already mothers. The national plan for sex education sought to counteract that trend. In coordinated joint action by the Presidential Council for Youth, Women and the Family, the Ministries of Health and Education and the Colombian Institute for Family Well-Being, services were offered for preventive care education, health care and protection.

20. The spread of AIDS among the population was a rapidly growing problem. By April 1993, the health system had registered 6,000 HIV positive and AIDS cases. The increase among women was significant, from 36 cases in 1991 to 212 cases in April 1992.

21. Despite strong opposition on the part of religious organizations, the Ministry of Health had launched an intensive media campaign to promote the use of condoms. None the less, widespread distribution of condoms had not been achieved. The revised combined report contained information on methods of family planning and the extent of their coverage, as well as on the coverage of prenatal and childbirth care and general and specific measures to eliminate discrimination in medical care and to guarantee satisfactory services.

22. With respect to article 13, the Constitution established social, cultural and economic rights in favour of all persons without any discrimination whatsoever. The law on social security and pensions adopted in December 1993 provided inter alia for a special women's information and education programme in integral health and sex education in the least developed areas of the country, giving priority to the rural areas and teenagers. The Government had also designed policies and programmes that provided social benefits such as subsidies for housing and education.

23. With reference to article 14, Colombia's current report explained in detail the steps taken up until August 1993 to eliminate discrimination against the nearly 7 million Colombian women who lived in rural areas. Subsequent to the presentation of that report, the Colombian Government had approved a policy document for rural women which set out strategies to improve their quality of life and afford them equal opportunities to participate in sectoral strategies and policy-making bodies, achieve greater access to productive resources and increase their income. To strengthen the national machinery for rural women, the Council on Policies for Rural Women and the Office for Rural Women under the Ministry of Agriculture had been established.

24. With regard to article 15, the principles of equality of men and women before the law and women's full legal capacity and access to the courts had been incorporated into the 1991 Constitution. The challenge in that area was to ensure the full and effective application of the principle of equality. As ignorance by women of their legal rights was one of the obstacles impeding the application of the law, the Presidential Council for Human Rights and the Office of the Defensor del Pueblo had taken steps to remedy that situation. The Presidential Council for Youth, Women and the Family had included among the activities to be carried out in observance of the International Year of the Family a number which were aimed at widespread dissemination of family and women's rights.

(Ms. Marino de Nule, Colombia)

25. With regard to article 16, the laws relating to marriage and divorce, the marital property regime and the rights and obligations of parents vis-à-vis children were the same for both men and women.

26. In 1990 a law had been issued to regulate de facto unions, stating that the partners enjoyed the same property rights during the existence of the union. In 1992 the Constitutional Court had recognized the value of domestic labour as a contribution to the assets of the couple. While that decision did not apply to marriages, it constituted a significant advance and established a precedent for the future.

27. Also in 1992, approval had been given to the cessation of the civil effects of all marriage, including Catholic marriage, as a result of divorce. That decision had also introduced mutual consent as grounds for divorce.

28. Colombia had hosted the Latin American and Caribbean regional preparatory meeting for the International Year of the Family. Special attention had been paid to ensuring that the achievements made in the area of women's rights were not subsumed under the general heading of the family. Stress had been laid on the need for respect for the rights of all members of Colombian families. Violence against women and the development of family support systems would be major themes of the programme of activities for the Year.

29. With regard to the Fourth World Conference on Women, to be held in Beijing in 1995, Colombia had established, as a priority for 1994, the development of preparatory activities in accordance with the guidelines elaborated in various international forums. The President of the Republic had issued a decree designating the women's component of the Presidential Council for Youth, Women as the Family as the focal point for mobilizing and coordinating the efforts of governmental and non-governmental organizations in connection with the themes of the Conference. Working groups would be organized in 11 major cities and their results incorporated into the national report. A commission would oversee the preparation of the report and would provide liaison with the new Administration.

30. The CHAIRPERSON said that the report under consideration was in marked contrast to the two previous reports from Latin American countries. The information provided showed that a major effort was under way to achieve full equality and participation for women. The establishment of the Presidential Council for Youth, Women and the Family had had a significant impact on the efforts to eliminate economic, social and cultural discrimination against women and to promote their integral development on the basis of gender specificity. Despite the many difficulties faced by Colombia, as a developing country, the Government had shown the political will to overcome obstacles to the full recognition of the human rights of one half of the population.

31. With regard to the attempts to legalize abortion, she said that in her country, Italy, women had fought for the right to abortion, not as a family planning method but as a means of eliminating the risk and suffering associated with illegal abortion; a referendum had been held on the question and 67 per cent of the population had voted in favour of liberalizing the abortion laws. That method could perhaps be adopted in Colombia.

32. Ms. NIKOLAEVA said that the report was very comprehensive, in that it outlined the reasons for the difficulties encountered in the efforts to improve the status of women. However, with regard to some complicated problems, such as family violence, no solutions had been proposed for dealing with the roots of the issue. The roots of family violence were deeply embedded in large-scale social processes. Violence was often linked to adverse social conditions such as drug and alcohol abuse, pornography, and so on. In many cases, women themselves had provoked violence. A serious effort must be made to educate both men and women on the subject.

33. The Government had indicated that women were not sufficiently organized on the political level to fight for their rights effectively. Women must not wait for change; they must become involved in the development process, society and Government.

34. With regard to article 11, it was clear that major advances had been made. While endorsing the report, she expressed the hope that, on the basis of the discussion, the Government would develop a more promising approach to improving the status of women.

35. Ms. GURDULICH de CORREA said that the appointment of three women cabinet members, which was unusual in a Latin American country, and the establishment of the Presidential Council for Youth, Women and the Family reflected the Government's commitment to women's rights.

36. The data provided concerning family violence were very important, as there was a general lack of statistics on the subject. Specific legislation must be enacted to punish violence against women and to compel batterers, rather than the women and children who were their victims, to leave home.

37. She stressed the importance of the Family Commissions and the need for further training of experts.

38. With regard to women's participation in political and public life, it was not enough to adopt legislation which prohibited discrimination. Initiatives must be undertaken to promote women's involvement in politics, including training women to serve as leaders of political parties and as candidates. It was to be hoped that, whatever Government emerged from the forthcoming elections, it would continue the progress already made towards achieving equal opportunity for women.

39. Ms. GARCIA-PRINCE expressed the hope that the new Government which would take office in Colombia would strengthen the women's component of the Presidential Council for Youth, Women and the Family and would make it independent. A strategy must be worked out to motivate Colombian women, especially women legislators, to bring the gender viewpoint into the mainstream, and to encourage women to run for public office.

40. Ms. BUSTELO said it was clear from the data presented in the report that, despite the difficulties which Colombia was facing, significant advances had been made in the status of women since the submission of its first report in 1987. While important rights were embodied in the Constitution, which could serve as a model for other countries, such rights meant little unless they were respected; accordingly, the national machinery for women, including the

(Ms. Bustelo)

Presidential Council for Youth, Women and the Family, should be strengthened, preferably on the basis of a legislative enactment, so that its structure could not be changed in the event of any change of Government. It was especially important for the Council to maintain a dialogue with non-governmental organizations.

41. As indicated in document CEDAW/C/COL/2-3, Rev.1, the General Education Law of 1992 did not contain specific references to non-sexist education, affirmative-action programmes, and so on. The Government had begun to develop programmes in that area, and it was to be hoped that further information would be available in the next report.

42. The decisions adopted by the Constitutional Court regarding teenage pregnancy and sex education, the economic value of domestic work, and so on, were impressive. It was to be hoped that the next report would contain additional data on efforts to combat family violence and prostitution.

43. With regard to article 11, the existing legislation must be implemented, and the Presidential Council for Youth, Women and the Family must assist working women in defending their rights.

44. Lastly, she would appreciate further details in future reports on the problems relating to women in the informal sector, rural women and disabled women.

45. Ms. BRAVO de RAMSEY said that impressive achievements had been made in the past few years, especially the availability of divorce to those in religious marriages and the acceptance of mutual consent as a cause of divorce. She would appreciate further information concerning, first, the major achievements of the Presidential Council for Youth, Women and the Family; secondly, the percentage of women who were heads of households; and thirdly, the impact on the lives of women and families of the violence linked to drug trafficking in rural and urban areas.

46. Ms. AOUIJ said the report provided a clear and complete picture of progress made by women in a number of important areas, including access to decision-making posts, education and family law, and also drew attention to areas in which further progress could be made. In that connection, health and safety protection needed to be strengthened for workers in the flower-growing industry, 70 per cent of whom were women. She urged the Presidential Council for Youth, Women and the Family to consult outside sources regarding the specific changes that would be required, so that the owners of flower-producing enterprises would not have the last word in the matter. Also, the Government needed to devote more attention to the field of family planning. It was a cause for concern that abortion remained the main source of birth control in the country and that, after 15 years, the rate of maternal mortality had declined little. The Presidential Council should examine ways to strengthen education and public information programmes focusing on the specific socio-cultural factors that were preventing contraceptive use from becoming more widespread.

47. Recent changes in Colombian law with respect to family matters and divorce were a welcome departure from previous codes which had been strongly influenced by the teachings of the Catholic Church. In particular, she welcomed the

(Ms. Aouij)

recognition by the Constitutional Court of work performed in the home and to provide social security benefits on that basis. She hoped that the Court's view would become a more broadly accepted legal principle, since it could be of considerable benefit to a large segment of the Colombian population.

48. Ms. ABAKA applauded the measures taken by the Government to eliminate stereotyping of women in the media, and suggested that those measures could also be effective in curbing pornography. In addition, she welcomed the measures taken by the Government to extend social security benefits to domestic workers and to change people's attitudes about domestic work.

49. On the question of health services for women in Colombia, she said that the recent improvements in delivery of health services in certain Colombian cities were an encouraging development; she hoped that the success achieved in urban areas could be repeated in the rural sector as well.

50. On the question of violence against women, she wished to know more about the sources of domestic violence in relations between the married couple and their in-laws. As a national of a country in which marriage was considered to be a relationship between two families, she was very interested in the problem of domestic violence caused by problems with in-laws.

51. With regard to article 6 of the Convention, she wished to know which level of government in Colombia, local, regional or national, had the most authority to issue regulations on prostitution. She welcomed the fact that in the new Code of Offences against Minors the definition of "minor" in cases of sexual offences was raised from 14 or less to 18 years or less, but it was unclear to her what penalties existed, if any, for sexual offences against elderly or disabled women. Lastly, while the report had been correct to point out that the frequency with which women turned to prostitution was related to trends in the larger economy in Colombia, income distribution was probably a more relevant factor than economic growth. If income distribution could be equalized, it was quite possible that the number of women forced into prostitution for a living would decline.

52. Lastly, she shared the concerns expressed by previous speakers regarding the use of abortion as a substitute for true family-planning policies.

53. Ms. MARINO de NULE said she would communicate the Committee's questions to the appropriate authorities in her Government. A written response to the questions would be issued as soon as possible.

54. Ms. SINEGIORGIS, supported by Ms. TALLAWY, wished to know whether it was necessary for members of the Secretariat to leave the room during the meeting. If the Secretariat did not have the necessary resources to complete its work outside of the meeting, perhaps the Committee could discuss the matter with the Secretary-General.

55. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said he would endeavour to be present during subsequent meetings.

56. Ms. SCHOPP-SCHILLING suggested that a legal adviser from the Secretariat could be present during the meetings to answer questions arising in the course of the Committee proceedings.

57. The CHAIRPERSON said she would communicate the Committee's views to the Secretary-General.

The meeting rose at 1.05 p.m.